

**CITY OF FITCHBURG
CONSERVATION COMMISSION
DRAFT MEETING MINUTES
TUESDAY, AUGUST 25, 2009**

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Phil Chalifoux, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

PUBLIC HEARINGS

Notice of Intent - "Balsam Heights" 20-lot subdivision, Fisher Rd. (continued)

No one in attendance.

Commission asked to tell applicant that if no show at next meeting, Commission may vote to deny.

Request for Determination of Applicability – Fitchburg State College - improvements to Riccards baseball field, off Pearl Hill Rd.

Anthony Cleaves, Whitman & Bingham Assocs. presented plan to repair baseball field.

They will use filter mits instead of hay bales.

All work is within the fenced-in area. Also they will be removing invasive species (bittersweet) from near backstop, and remove some branches overhanging the outfield fence.

Mike D – how can we intercept the nutrient load from all the fertilizer put on the field before it reaches the stream?

Anthony: there really isn't a way -- subdrains under field drain into drainage pipe which discharges to brook.

Motion made & seconded to issue Negative Determination. Plan approved as submitted. Vote unanimous.

Request for Determination of Applicability – Lemmo, 270 Fisher Rd., sewer extension in buffer zone

Request for Determination of Applicability – Bartell, 294 Fisher Rd., sewer extension in buffer zone

Anthony Cleaves, Whitman & Bingham Assocs. presented plan for both dwellings.

Mr. Lemmo, 270 Fisher Rd. also present.

Plan is to extend 1½ inch sewer force main from manhole in front of 363 Fisher Rd. & connect to 317, 294 & 270 Fisher Rd. E-1 sewer pumps will be installed on each property. The system at 270 Fisher Road has failed.

317 Fisher Road (Bachant) had been before the Commission last year. Work will take place within the street layout, just off the edge of pavement, with force main connections to individual houses. The force main will be installed below the culvert for intermittent stream near 317 Fisher Rd.

The work at 270 Fisher Rd. also involved regarding in the area of the septic tank to be removed (+/- 10 cu. yds.) to pitch drainage away from dwelling. No work can take place until DPW-Engineering approves as-built plan for the first extension of force main to 336 Fisher Rd., already installed. Applicant will need street opening permit and trench permit from DPW as well.

Kevin: The Local Wetland regulations (Section 3.2, Wetlands Setbacks) require that any sewer within 50 feet of a wetland must be encased in concrete. This affects part of the individual house connections and the portion underneath the culvert in Fisher Rd.

Anthony will revise plan to reflect this.

Timing? They plan to start work mid-September.

Motion made & seconded to issue Negative Determination on 270 Fisher Rd., provided sewer within 50 feet of a wetland must be encased in concrete. Vote unanimous in favor.

Motion made & seconded to issue Negative Determination on 294 Fisher Rd., provided any sewer within 50 feet of a wetland must be encased in concrete. Vote unanimous in favor.

Abbreviated Notice of Intent for Resource Area Delineation – Epsilon Assocs., “Wachusett Station” area -- Fifth Mass. Tpk. & Authority Dr.

Alyssa Jacobs, Epsilon Assocs., Christine Apicella, McMahon Assocs. & Mo Khan, MART present

Alyssa presented plan. Delineation was done in the Fifth Mass Tpk. area
Delineation was ltd. to the area south of RR.
Not seeking any approval on station location at this time.
No vernal pools, no special habitat area.

Seeking to confirm that the ditch adjacent to the tracks is non-jurisdictional.
Tim, Sean Hale of Epsilon and Mike O visited site in July. No written report from Tim as yet.
Alyssa – the pipe from the catchbasin doesn't constitute a hydraulic connection to the River

Public comment:

Rob Lapointe, 260 Fifth Mass. Tpk. – they read in paper they're going to take homes? Which ones?
Christine: they are still looking at conceptual layouts for station, but so far they are not taking any homes.
Mo Khan: He has been told by Mayor to avoid taking any houses if at all possible. Don't believe the paper. Station access would be through Authority Drive.

John Laquire, 248 Fifth Mass. Tpk. – expressed concern about his house being taken, and about Fifth Mass. Tpk. being closed to thru traffic.

Mo Khan – They have Sept 16 deadline for submission of application to Fed'l gov't for stimulus \$\$\$. By Jan. 2010 they'll know if they are funded for full design of station. If they receive funding they'll be back w/ Notice of Intent before the Commission for the station itself.

Tom S.: If Tim Smith concurs with this finding, would the Commission be OK w/ approving delineation tonight?

It was decided to hold a special meeting in a week Sept. 1st at 6:00 p.m.
In the meantime we will confirm w/ Tim as to status of ditch and whether it is jurisdictional.

Alyssa: Project is exempt from local wetlands regulation since it is an MBTA project, per MBTA's enabling legislation (MGL 161A)

Notice of Intent, 245 River Street Place LLC – Mill conversion

Anthony Cleaves, Whitman & Bingham Assocs. & Tony Marcotte, MDP Development presented plan.
They are creating a new stormwater system with water quality units (ADS w/ a series of baffles in pipes to remove solids).
They plan to eradicate the invasive species and plant trees along the riverwalk.

Proposed are 175 rental units in the former Premier Box mill. The amount of commercial space has been significantly reduced from previous concept plans, due to parking requirements.

Plng. Bd. hearing will be next month. They've agreed in concept to 1½ parking spaces per unit.

Tony: He will grant an easement for the riverside trail in return for receiving the fingers of land from the TTOR parcel across the river (41 Sheldon St.).
Tony said that he would build the trail on his (southerly) side of the river.

Commission wants:

- Landscape plan
- Detail on riverwalk trail

Commission agreed to send plans to Stantec for their review.

Mike D recommended that the City deal with the owner of the Sheldon St. auto repair shop (Rosa) to acquire it for additional parking for this project.

Continued to Sept. 29th.

Request for Determination of Applicability – Fitchburg Conservation Commission, maintenance of area around Greens Pond, Ashby State Rd.

RDA for Conservation Commission members to selectively prune & remove vegetation along the frontage of Greens Pond (along Ashby State Road and around the parking area). Purpose of the work is to open up a viewshed of the pond, to improve security, and to help maintain healthy vegetation. A Negative Determination of Applicability for this work was previously issued by the Conservation Commission in November 1999, March 2003, and May 2006.

Motion made & seconded to issue another Negative Determination. Vote unanimous.

OTHER BUSINESS:

540 Mt. Elam Rd. - Encroachments at Coggs Hall Park / Bird Sanctuary (cont'd)

Nothing new to report. Atty. Barrett said still in negotiations w/ Atty. Watts.

Commission asked to send letter to Atty. Barrett expressing disappointment in lack of progress, and that unless there is some resolution of the matter by next month's meeting, the Commission will impose a fine on the property owner for Timber Trespass.

Benjamin Bldrs., Victoria Lane - Request for Certificate of Compliance (cont'd)

Commission wants letter to go out from C. Solicitor's office – too much of a delay.

323 Princeton Rd., Universal Machine

Nothing new – Jamie Rheault told Mike O he would submit written report to Commission after site meeting next week with w/ contractor.

Kevin – has gone on too long. Wants letter to go the owner stating that there has been little done since site meeting July 17.

The following issues still need to be addressed:

- Temp. sediment basin is still in – not the permanent one.
- Site needs to be loamed & seeded, not just weeds
- Need silt sack in CB at rear corner of site, as discussed during July 17 site meeting
- There are still front end loaders & vehicles in buffer zone
- Slope behind building is still not stabilized

Agreed to send letter owner warning of potential \$300/day fine for violations but will grant two-week respite to address these issues.

Fanelli, Ashby State Road

Commission had agreed to send him violation.

Agreed to send letter to abutter Mr. Rantala a copy of the Violation Notice w/ a letter stating that that since the Commission cannot solve his problem, he may want to contact DEP for enforcement.

Certificates of Compliance

Were signed for:

- #155-461, Lavoie, 66 Ashby West Rd., new dwelling
- #155-565, 909 Ashburnham St., septic repair

MISCELLANEOUS

Commission reviewed plan to re-do parking lot at LeBlanc's Auto on River Street.

Commission wants him to file Request for Determination, and that the car parts are cleaned up from the riverbank.

Roosevelt St. subdivision – Bank foreclosure auction scheduled for Aug. 27th.

Verizon substation, Old Princeton Rd. – work not started yet.

Snow Mill Pond dam – Newark Group – erosion controls installed, cofferdam not yet installed. Work to start week of 8/31.

Minutes of July 28 approved w/ several corrections.

Fitchburg Airport runway improvements ENF – Commission discussed issues to comment on the ENF. Commission felt that if this project will have a negative impact on the FRA or the City, then the environmental impact should be considered. No alternatives analysis was submitted. Also, the ownership of the property of the runway expansion to the east, near Baker Brook should be clarified.

Mike D. briefed Commission on last week's meeting to develop a Management Plan for the Northern Watershed – the area affected by the Conservation Restriction.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned 8:50 p.m.

Next meeting: September 29, 2009